IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.1044 OF 2005

Iqbal Ahmed Nisar Ahmed. .....Appellant
Versus
The Municipal Corporation of
Greater Bombay. .....Respondent

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Shri.P.D. Dhakephalkar with Smt. Geeta Shastri for the Appellant.

Smt. Geetanjali Joglekar for the respondent.

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CORAM : DR.D.Y. CHANDRACHUD, J.

DATE : DECEMBER 6, 2005

P.C.

1. In pursuance of the directions issued by a Divison Bench of this Court on 31st August 2005 in Public Interest Litigation No.2116 of 2005, a notice was issued to the Appellant on 8th September 2005. The notice alleged that it was found that the Appellant is carrying on the business of printing upon sarees unlawfully and without license. An opportunity was given to the Appellant to produce any document of authorisation. From the reply dated 14th September 2005, it is clear that the activity is unlicensed. The Assistant Commissioner in the 'L' ward accordingly issued a direction under Section 394 holding the activity of the Appellant is causing a nuisance and that it has added the problems of pollution and degeneration of the Mithi

River. Accordingly, an order has been passed for the cessation of the activity and for the removal of goods, machineries and devices. The order has been passed in accordance with law, and in compliance with the duty imposed by law and does not warrant interference. The Learned Trial Judge is in the circumstances, justified in declining ad-interim relief. The Appeal from Order is dismissed.

(DR. D.Y. CHANDRACHUD, J.)